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EXAMINER

SWARTZ, JAMIE H

ART UNIT	PAPER NUMBER
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3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/645,949	Applicant(s) FOSS ET AL.	
	Examiner Jamie H. Swartz	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213:

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/2003</u> <u>1/31/2006</u> <u>6/5/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Regarding claims 3 and 6, the phrase "qualifying the particular customer" renders the claim indefinite because it is unclear what is being measured, how it is being measured, and how the value is being ranked or applied. Claims 4 and 5 inherit the rejection of claim 3.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6-7, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Risafi et al. (US 6473500 B1).

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6. Regarding claim 1, Risafi teaches a *method for providing a financial account service* (col. 3, line 53 – col. 5, line 17). Risafi teaches *creating a funded financial account* (col. 8, lines 5- 21). Risafi teaches *issuing a transaction card, the transaction card being operable to be used in financial transactions and is associated with the funded financial account* (col. 4, line 16 – col. 5, line 17, col. 6, lines 25-35). Risafi teaches *receiving a financial transaction request based on the use of the transaction card* (col. 4, lines 17 - 60). Risafi teaches *clearing the financial transaction utilizing the funded financial account* (col. 4, line 17-60).

7. Regarding claim 2, Risafi teaches *wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account further comprises the step of depositing funds received from the particular customer into the funded financial account* (col. 1, line 54 – col. 2, line 25, col. 7, line 19 – col. 8, line 52).

8. Regarding claim 3, Risafi teaches *wherein the funded financial account is associated with a particular customer and creating the funded financial account* (col. 3, line 53 – col. 5, line 17). Risafi teaches *qualifying the particular customer* (col. 8, lines 15-52). Risafi teaches *receiving funds from the particular customer* (col. 4, lines 17 - 60). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52).

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9. Regarding claim 4, Risafi teaches *wherein the step of receiving funds from the particular customer* (col. 8, lines 21- 52, col. 10, lines 1 - 31). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9).

10. Regarding claim 6, Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *qualifying the particular customer* (col. 8, lines 15-52). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52).

11. Regarding claim 7, Risafi teaches *wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account further* (col. 3, line 53 – col. 5, line 17). Risafi teaches *receiving funds from the particular customer at a point of sale terminal* (col. 6, line 65 – col. 7, line 18). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 6, line 65 – col. 7, line 18).

12. Regarding claim 9, Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi teaches *extracting the funds from the direct deposit account* (col. 3, line 53 – col. 5, line 17, col. 8, lines 15-52, col. 9). Risafi teaches *depositing the funds received from the particular customer into the funded financial account* (col. 8, lines 15-52).

13. Regarding claim 11, Risafi teaches *issuing a branded transaction card* (col. 10, line 32 – col. 11, line 42).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US 6473500 B1) in view of Vasic (US 20010034676 A1).

16. Regarding claim 5, Risafi teaches gaining access to a direct deposit account of the particular customer and extracting the funds from the direct deposit account. Risafi does not teach a line of credit. However, Vasic teaches *providing a line of credit that*

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can be drawn against by the particular customer (§ 24). Vasic teaches establishing payment performance requirements for the line of credit (§ 28, 50 - 67). Vasic teaches extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements (§ 28, 50 - 67).

Risafi discloses a system and a method for using a prepaid card that offers the flexibility needed in transacting electronic payments. Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Risafi to include the details of a line of credit. A line of credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Risafi has a limit, which is the value put on by the customer. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment. Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as Risafi put a value in their card. But this

card also allows for the customer who is using the card to gain a credit rating (or performance requirement).

17. Regarding claim 10, Risafi teaches creating a funded financial account, issuing a transaction card, receiving a financial transaction, and clearing the financial transaction. Risafi teaches *wherein the funded financial account is associated with a particular customer* (col. 3, line 53 – col. 5, line 17). Risafi teaches *gaining access to a direct deposit account of the particular customer* (col. 8, lines 15-52, col. 1, lines 20-53). Risafi does not teach a line of credit or extracting funds from the direct deposit account to cover an outstanding balance. However, Vasic teaches *providing a line of credit that can be drawn against by the particular customer* (§§ 28, 31, 51, 53, 60). Vasic teaches *establishing payment performance requirements for the line of credit* (§§ 28, 31, 51, 53, 60). Vasic teaches *extracting funds from the direct deposit account to cover an outstanding balance if the particular customer fails to meet the payment performance requirements* (§§ 24- 49). Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Risafi to include the details of a line of credit. A line of

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credit denotes a limit of credit extended by a bank to a customer. It allows a customer to borrow money they don't have at a lender set rate. As long as the borrower is faithful in paying back the money, it is a win-win situation for all parties involved. The card disclosed by Risafi has a limit, which is the value put on by the customer. When involved in any repayments or credit, performance is closely monitored and requirements are always placed on repayment. Secure credit cards existed during the time of the invention. Those cards allow for the purchase of a "credit card" with a limit defined by the amount put on the card, just as Risafi put a value in their card. But this card also allows for the customer who is using the card to gain a credit rating (or performance requirement).

18. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (US 6473500 B1) in view of INGdirect.com (As viewed through web.archive.org October 10, 2002).

19. Regarding claim 8, Risafi teaches *wherein the funded financial account is associated with a particular customer and the step of creating the funded financial account* (col. 3, line 53 – col. 5, line 17). Risafi does not teach receiving and depositing funds by mail. However, INGdirect.com teaches *receiving funds from the particular customer through the mail* (pg. 1-11). INGdirect.com teaches *depositing the funds received from the particular customer into the funded financial account* (pg. 1-11). Risafi discloses a system and a method for using a prepaid card that offers the flexibility

needed in transacting electronic payments. Risafi discloses that the system includes a card user, a card issuer, an agent who sells or distributes the card, and a terminal. The card issuer, such as a bank, issues a card and offers it for sale or distribution through its own branches or through an agent or network of agents. INGdirect.com is a bank and discloses different types of financial accounts, which are available through them. It would have been obvious to modify Risafi to include the details of mailing in the deposit because mailing in money to be added (deposited) the account allows for financial companies without physical buildings to offer deposit services to their customers. Even a company with physical buildings can allow their customers ease of use by allowing them to mail in their deposits rather than standing in line or having them bend their schedules around banking hours. It also adds an extra service aspect as mailing checks allows for customers who may own homes in more than one state to keep and maintain their accounts in one state.

20. Claims 12-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) in view of Vasic (US 20010034676 A1).

21. Regarding claim 12, Weiss teaches *a data collection component, wherein said data collection component is operable receive account option data, account formation data and an initial deposit* (col. 4, line 59 – col. 7, line 5, col. 8, line 66 – col. 9, line 22, col. 12, line 6 – col. 13, line 49, col. 14, line 60 – col. 15, line 2, col. 16, lines 12 - 19). Weiss teaches *a decision engine operable to qualify a customer for an account based at*

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least in part on said formation data and said account option data (col. 13, lines 5 - 49).

Weiss teaches *a transactional processing component operable to receive transactions initiated with the transaction card and clear the transactions against the account (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23).* Weiss teaches *an account creation component operable to establish an account for the qualified customer based at least in part on the account option data and account formation data and to create a transaction card (col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60).* Weiss however does not teach a checkless checking account. However, Vasic teaches *a checkless checking account (¶¶ 24- 47).* Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability, lending capability--basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource, which may be accomplished, by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves money and provides a greater efficiency in the banking world. Payroll cards, which can be used at automatic teller machines, have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations.

22. Regarding claim 13, Weiss teaches *wherein the initial deposit is placed into a stored value component* (col. 16, lines 12 – 19).

23. Regarding claim 14, Weiss teaches *wherein said account further comprises an overdraft component, wherein said overdraft component is coupled to said stored value component* (col. 19, line 39 – col. 20, line 8).

24. Regarding claim 15, Weiss teaches *wherein said overdraft component has a value that is determined by said decision engine* (col. 19, line 39 – col. 20, line 8).

25. Regarding claim 16, Weiss teaches *receiving account option data* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving account formation data, wherein said account formation data is based upon said account option data* (col. 9, lines 48 – 61, col. 13, line 5 – col. 14, line 17). Weiss teaches *determining an account type based at least in part upon said account option data and said account formation data* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *creating an account, wherein said account is based upon said account type* (col. 10, line 51 – col. 11, line 64, col. 12, line 63 – col. 13, line 26, col. 18, lines 34 – 55, col. 19, lines 1 – 29). Weiss teaches *receiving funds into a stored value component* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34). Weiss

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teaches providing an account access card, wherein said access card is based upon said account option data and has an associated value based upon said stored value component (col. 4, line 11 – col. 7, line 10, col. 8, line 55 – col. 10, line 23). Weiss however does not teach a checkless checking account. However, Vasic *teaches a checkless checking account* (§ 24- 47). Weiss teaches a banking system and method for opening an account. Weiss discloses full investment capability, full banking capability, bill payment capability, lending capability--basically everything a customer would financially need to do. Vasic discloses a way to offer an employee a financial resource from which forwarded wages may be drawn. Vasic discloses providing a payroll access resource which may be accomplished by providing a third party bank account. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Weiss to include the details of a checkless checking account because a checkless checking account saves money and provides greater efficiency in the banking world. By adding a value to an access card, their pay can be accessed by the employee the second the money hits the account, rather than having to get their paycheck and having to cash the paycheck. Payroll cards, which can be used at automatic teller machines have existed for over 10 years. They were developed to market to corporations with large numbers of unbanked employees or highly decentralized operations. It reduces the need to produce checks and send them by overnight delivery to various locations.

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26. Regarding claim 17, Weiss teaches *a stored value component may be modified by the step of receiving additional funds* (col. 4, line 33 – col. 6, line 44, col. 7, line 49 – col. 8, line 34).

27. Regarding claim 19, Weiss teaches *receiving a transaction request for a financial transaction utilizing the account access card* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60). Weiss teaches *clearing the transaction* (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50, col. 4, line 11 – col. 6, line 29, col. 9, line 23 – col. 10, line 23, col. 19, lines 9-60).

28. Regarding claim 20, Weiss teaches *wherein the stored value component is coupled with an overdraft component* (col. 19, line 40 – col. 20, line 7). Weiss teaches *qualifying a customer for said overdraft component* (col. 19, line 40 – col. 20, line 7). Weiss teaches *qualifying a customer for a value coupled to the overdraft component* (col. 19, line 40 – col. 20, line 7).

29. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss et al. (US 5866889 A) and Vasic (US 20010034676 A1) in further view of Official Notice.

30. Regarding claim 18, Weiss teaches *receiving a transaction request for a cash withdrawal from an authorized automated teller machine utilizing the account access*

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card (col. 1, lines 42 – 51, col. 6, lines 15 – 30, col. 8, lines 34 – 50). Weiss teaches *clearing the transaction* (col. 1, lines 42 – 51, col. 8, lines 34 – 50). Weiss does not teach rejecting any other type of transaction. Official notice is taken that it was old and well known in the art at the time of the invention if a customer attempts to try to do “any other” transaction that is not supported by the automatic teller machine, the automatic teller machine would reject the transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie H. Swartz whose telephone number is (571) 272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie Swartz
April 26, 2007



MARY D. CHEUNG
PRIMARY EXAMINER